

### **III. REMARKS**

The Office Action dated 3 August 2011 has been carefully considered. Applicant appreciates the Examiner's courtesy in discussing the current office action.

#### **Status of the Claims**

Claims 37 and 49 are amended. Claim 39 and 50 are cancelled without prejudice or disclaimer. Claims 37-38, 40-49 and 51-60 remain pending in this application.

#### **Claim Amendment Support**

In paragraph 0045, it is stated that the invention allows the user to compare his/her current performance to measurement data stored before the activity to a measurement device. Corresponding measurement points are compared.

Paragraph 0052 states that the previously recorded measurement data comprises a plurality of consecutive measurement point sets, each including a heart rate measurement, a time stamp, a GPS position measurement and an altitude measurement.

Paragraph 0053 states that the new data is compared with the previously recorded measurement data. The previously recorded measurement data and measurement data of the ongoing activity are directly comparable.

In paragraph 0054, it is noted that in order to compare the data, both measurements are recorded on the same path or route.

In paragraph 0055, the comparison feedback shows the current speed, and at the same time, the speed value at the same point in the loaded measurement data.

It is submitted that support for the claim amendments submitted herewith can be found in at least the above referenced paragraphs, as well as other portions of the specification and drawings.

### **Claim Rejections – 35 U.S.C. §103**

Claims 37-40, 42-51 and 53-60 are rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent Publication No. 2005/0288154 (*Lee*) in view of US 2001/0023320 (*Kinnunen*).

Claim 37 is amended to recite that measurement data is associated with a plurality of consecutive measurement points on a route, each consecutive measurement point set being defined by a GPS position measurement, and where each GPS position measurement includes a heart rate measurement, a time stamp, and an altitude measurement. Thus, on a position by position basis, precise performance information is available. During an ongoing activity, current GPS position measurements are recorded, where each current GPS position measurement also includes a heart rate measurement, a time stamp and an altitude measurement. Thus, Applicant's claimed method includes a measurement data set that allows for a point by point, or position by position comparison of performance data that include the heart rate, time stamp and altitude data.

As recited in Applicant's claims, such a position by position comparison is made during the ongoing activity in order to provide the user with feedback on their performance related to the ongoing activity. Instead of a generic performance evaluation and comparison, such as comparing performance over time, Applicant's claimed GPS position by position comparison advantageously provides a much more accurate and up to date feedback mechanism for measuring performance than was previously possible. It is submitted that these features are not disclosed or suggested by the combination of *Lee* and *Kinnunen*.

Applicant's claimed subject matter is directed to improving the feedback received during exercise. Applicant's GPS position data also includes the performance characteristics so that a position by position comparison of performance can be made. As recited in Applicant's claimed subject matter, a series of consecutive position measurement point on a route are recorded. Each GPS position measurement will also include a heart rate measurement, a time stamp and an altitude measurement. Thus, for each recorded position or location, a full set of performance characteristics can be provided and compared to prior performance, on a position by position basis. This is not disclosed or suggested by the combination of *Lee* and *Kinnunen*.

*Lee* merely discloses the standard use of a GPS device, which is to provide position data and communicate navigation directions and waypoints. *Lee* discloses that the use of the GPS is to overcome the issues in calculating the distance traveled and the speed, as well as the ability to repeat the same course. (0007). *Lee* does not disclose any more than that the GPS provides geographical location data. (0014; 0042). The data from the GPS is used to “navigate” (0018; 0050). The GPS based navigation information can be communicated to the user so the user can “visually” monitor their location on a map. (0019; 0063). The GPS data can be used to allow a user to calculate a distance by comparing a current location point with a prior location point. (0051).

Where *Lee* talks about monitoring performance, all they mention is total distance, total time and average speed. (0066). During a training, the device 10 can inform the user of performance relative to interval goals. However, nowhere does *Lee* and *Kinnunen* disclose or suggest storing a heart rate measurement, a time stamp and an altitude measurement together with a GPS position measurement, as is claimed by Applicant. Applicant’s claimed subject matter allows for a comparison of such performance characteristics on a position by position basis, which is not taught by the combination of *Lee* and *Kinnunen*.

Thus, claim 37 is not unpatentable in view of the combination of *Lee* and *Kinnunen*. Claim 49 recites similar limitations and is also not unpatentable.


Dependent Claims 38-48 and 50-60 should also be allowable at least by reason of their respective dependencies and the additional limitations recited therein.

Therefore, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants’ attorney at the telephone number indicated below as well as by electronic mail, authorization for which is provided below.

Recognizing that Internet communications are not secure, I hereby authorize the USPTO to communicate with me concerning any subject matter of this application by electronic mail at the email address listed below. I understand that a copy of these communications will be made of record in the application file.

The Commissioner is hereby authorized to charge any necessary fees or credit any overpayment associated with this submission to Deposit Account No. 50-5215.

Respectfully submitted,



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5 December 2011  
Date

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